

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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| HALLIBURTON ENERGY SERVICES, INC., <i>et al.</i> , | § § § § § | |
| VS. | § § § § § | CIVIL ACTION NO. H-05-4160 |
| NL INDUSTRIES, <i>et al.</i> , | § § § § § | |
| Defendants. | § § § § § | |
| TRE MANAGEMENT COMPANY, | § § § § § | |
| VS. | § § § § § | CIVIL ACTION NO. H-06-3504 |
| GEORGIA-PACIFIC CORPORATION, <i>et al.</i> , | § § § § § | |
| Defendants. | § § § § § | |

**ORDER SEVERING COUNTERCLAIM AND DENYING RELATED MOTIONS
AS MOOT**

The counterclaim filed by Tremont LLC (“Tremont”) against Halliburton Energy Services, Inc. and DII Industries, Inc. (together, “Halliburton”), (Docket Entry No. 240), and the answer, (Docket Entry No. 271), raise issues of law and fact that are also raised in Civil Action No. H-08-1063. To avoid duplication and promote efficiency and fairness, the counterclaim is severed from the other claims in this case, under FED. R. CIV. P. 21. By order entered in H-08-1063, that counterclaim is consolidated with Civil Action No. H-08-1063,

under FED. R. CIV. P. 42(a). Pleadings and submissions related to that counterclaim will be filed under Civil Action No. H-08-1063.

The following motions in this case are denied as moot because of the severance and consolidation: the motion for partial summary judgment filed by Tremont LLC, (Docket Entry No. 247); the motion for continuance to respond to Tremont's motion for partial summary judgment, (Docket Entry No. 270); and the motion for leave to file a crossclaim against NL Industries, Inc., (Docket Entry No. 299). The issues raised in these motions are also raised in motions pending in Civil Action No. H-08-1063.

SIGNED on October 6, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge